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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/493,794	01/28/2000	Michael F. Giesler	PM 255690	2672

20995 7590 02/28/2006

KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE, CA 92614

EXAMINER

WEISBERGER, RICHARD C

ART UNIT PAPER NUMBER

3624

DATE MAILED: 02/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



**DETAILED ACTION**

1. Applicant's election without traverse of claims 1-10 in the reply filed on 6/25/2002 is acknowledged.

2. This application contains claims 11-25 and 31-34 are drawn to an invention nonelected with traverse in dated 6/25/2002. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Following the decision of Ex parte Lyell, a single claim may not be directed to more than one statutory invention. In this case, the preamble of claim 1 is directed to a product, yet the limitations are directed to both a product and a method. The method step includes a member generating and transmitting data. Therefor, the claim is indefinite. The enterprise resource (erp) planning system of claim 1 is indefinite in scope. It is not clear what functionality is essential to this system nor is it clear what component make up this system, nor is it clear where is resides and is configured, particularly with respect to the system of the preamble.

***Claim Rejections - 35 USC § 102***

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5. Claim 1-10 is rejected under 35 U.S.C. 102(a) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Press Release of 1999.

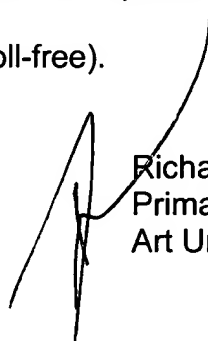
The applicant argues that the press release, dated August 1999, does not qualify under 35 U.S.C. 102(b) and is correct. The rejection has been amended to one under 102(a). The applicant is invited to file an affidavit under 37 CFR 1.131.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard C Weisberger whose telephone number is 571 272 6753. The examiner can normally be reached on maxiflex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vince Millin. The phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Richard C Weisberger  
Primary Examiner  
Art Unit 3624